

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEON STAMBLER,
Plaintiff,

v.

MERRILL LYNCH & CO., INC.; *et al.*
Defendants.

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CIVIL ACTION NO. 2:08-cv-462

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER

Plaintiff Leon Stambler and Defendants Fidelity Brokerage Services LLC, National Financial Services LLC, FMR LLC, PayPal, Inc., Prosperity Bancshares, Inc., Prosperity Bank, BB&T Corporation, Branch Banking and Trust Company, Sterling Bancshares, Inc., Sterling Bank, The Colonial Bancgroup, Inc., Colonial Bank, First National Bank, First National Bank Group, Inc., Jack Henry & Associates, Inc., LegacyTexas Bank, Legacy Texas Group, Inc., HSBC Bank USA, National Association, HSBC National Bank USA, HSBC North America Holdings Inc, HSBC USA Inc., Metavante Corporation, Metavante Technologies, Inc., Morgan Stanley, Morgan Stanley & Co. Incorporated, SunTrust Bank, SunTrust Banks, Inc., Texas Capital Bancshares, Inc., and Texas Capital Bank, National Association (collectively, “the parties”) file this Joint Motion to Amend Docket Control Order, and in support thereof, show the following:

The Docket Control Order currently sets the deadline for compliance with Local Patent Rule (“P.R.”) 4-1 as October 30, 2009. The parties have agreed to extend this deadline up to and including November 6, 2009.

This extension is not requested for purpose of delay and does not affect the current trial date.

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion and amend the Docket Control Order as set forth above.

A proposed Order is submitted herewith.

Dated: October 30, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael E. Jones